

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	Case No. 02-02474
	)	
KMART CORPORATION, et al.,	)	(Jointly Administered)
	)	Chapter 11
	)	
Reorganized Debtors.	)	Honorable Susan Pierson Sonderby

**PROPOSED AGENDA FOR  
OMNIBUS HEARING SCHEDULED FOR SEPTEMBER 20, 2005**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for September 20, 2005 beginning at 10:00 a.m. (this "Proposed Agenda").

In order to avoid any unnecessary confusion, Please review this Proposed Agenda carefully and note all the matters in which you are interested. Certain matters have been set for specific hearing times at the Omnibus Hearing.

The information contained in this Proposed Agenda reflects documents received in our offices as of the date hereof. Counsel for Kmart Corporation ("Kmart") has served a copy of this Proposed Agenda on the Master Service List.

Please note that this Proposed Agenda refers to certain pleadings docketed under the former PACER numbering system, up through Docket No. 13016. All pleadings at Docket No. 13063 or higher have been docketed under the new ECF numbering system.

The Court has ordered that the Hearing shall be held in **Courtroom 642**.

The matters set for hearing are divided into the following categories for the purposes of this Proposed Agenda:

- I. Improperly Noticed Matters
- II. Personal Injury Matters
- III. Real Estate Matters For Status
- IV. Claim Objection Matters
- V. General Matters
- VI. Adversary Proceeding Status Hearings and Motions
- VII. Contested Matters
- VIII. Miscellaneous Matters Requiring Telephonic Appearances (set for 11:00 a.m.)
- IX. Critical Vendor Adversary Matters (set for 2:00 p.m.)

X. Matter Set for Oral Argument (set for 3:00 p.m.)

## I. Improperly Noticed Matters

1. Motions with No Notice of Hearing Date:

- Claimant, Sandra Maines', Request for Reconsideration From Removal of Claim From Bankruptcy Pleadings (Docket No. 28982)
- Motion of Virginia Brooks to Extend Bar Date to File Administrative Expense Claim and Relief to Limit Notice (Docket No. 28985); Affidavit of Judson J. Hawkins (Docket No. 28986)
- Motion of Julia Santiago Under Rule 502 of the Code (Docket No. 29017)

*Filings: Certificate of Service (Undocketed)*

*Status: Kmart will submit an order striking the above motions without prejudice.*

2. Motions With Improper Notice:

*Status: There are no motions currently in this category.*

3. Late Claim Motions Reset Per Request of the Court:

Late claim motions noticed for the September 20, 2005 omnibus hearing but reset for off-omnibus late claim hearing date of October 18, 2005 per request of the Court:

*Status: There are no motions currently in this category.*

## II. Personal Injury Matters

4. Parties With Motions For Relief From the Automatic Stay:

- Motion of Marion Stafford to Terminate or Modify Automatic Stay/Plan Injunction (Docket No. 28776); Second Notice of Hearing (Docket No. 28996); Certificate of Service (Docket No. 28997); Second Notice of hearing (Docket No. 29023)
- Motion of Christina Alexander to Lift Stay and Allow Matter to Proceed to State Court (Docket No. 28999)

Status: *Kmart will submit agreed orders for all parties in agenda item 4. If any agreed orders are not received prior to the omnibus hearing, they will be submitted when they are finalized after the hearing.*

5. Motion of John Sobol for Relief From the Stay (Docket No. 28779)

Status: *This matter is set for status.*

6. Motion of Connie Gay, Personal Injury Claimant, to Modify Plan Injunction (Docket No. 26208)

Status: *This matter is set for status.*

### **III. Real Estate Matters For Status**

7. Cure Claims

Status: *Kmart reserves time in each omnibus hearing for parties holding unresolved cure claims to address the Court. Kmart believes that it has settled nearly all of the cure claims. A draft order continuing these matters to November 15, 2005 for status will be submitted.*

8. Status hearing on REMIC matters:

- Status Hearing regarding rejection claims with respect to store no. 4901

Status: *Kmart believes this matter has been settled in principal and a draft order will follow.*

9. National Property Analysts/San Mateo Matters

Status: *A draft order adjourning the matter to November 15, 2005 will be submitted.*

#### IV. Claim Objection Matters

10. Claim Objection Matters Set for Status, to Be Continued to the November 15, 2005 Omnibus Hearing Date for Continued Status Hearing:

- Status Hearing for Omnibus Objections Three through Eighteen
- Status Hearing for Nineteenth Omnibus Objection to Claims (Docket No. 20650)

- Responses of Four Seasons Service Group (Claim No. 23095), F.S.A., LLC, Claim No. 22890

*Filings:* Kmart's Supplemental Pleading in Further Support of Nineteenth Omnibus Objection to Claim Number 23095 Filed by Four Seasons Service Group (Docket No. 25302); Kmart's Supplemental Pleading in Further Support of Nineteenth Omnibus Objection to Claim Number 22890 Filed by F.S.A., LLC (Docket No. 25293); Motion by Claimant F.S.A., LLC to Compel Discovery (Docket No. 26784); Motion by Claimant Four Seasons Service Group to Compel Discovery (Docket No. 26785)

*Status:* Set for a status hearing. Claimant may request a date for a final hearing.

- Kmart's Objection to Claim No. 53533 of American Motorists Insurance Company

*Filings:* Response of American Motorists Insurance Company (Docket No. 22192)

*Status:* Set for a status hearing.

- Kmart's Objection to Claim No. 36815 of Eagle Janitorial Services, Inc.

*Filings:* Response of Eagle Janitorial Services, Inc. (Docket No. 21755)

*Status:* Kmart will request the entry of a scheduling order setting this matter for an evidentiary hearing. Counsel for Eagle has requested to appear telephonically, accordingly, this matter will be heard at 11:00 a.m.

- Kmart's Objection to Claim No. 13992 of Dutch Farms, Inc.

*Filings: Dutch Farms, Inc.'s Motion for Order Allowing Claim or Other Relief (Docket No. 27498)*

*Status: This matter has been settled. The parties are preparing the final settlement documentation.*

- Status Hearing for Twentieth Objection to Claims (Docket No. 20651)

- Kmart's Objections to claims of Rubloff Development Group, Inc., Claim Nos. 37506, 37507, 37508, 37509, 37733, 37734, 37735 and 37773

*Status: Set for status hearing so that the parties can request a hearing date(s).*

- Status Hearing for Twenty-First Omnibus Objection to Claims (Docket No. 20652)
- Status Hearing for Twenty-Second Omnibus Objection to Claims (Docket No. 24531)
- Status Hearing on Twenty-Third Omnibus Objection to Claims (Docket No. 25213)
- Status Hearing on Twenty-Fourth Omnibus Objection to Claims (Docket No. 27210)
- Status Hearing on Twenty-Fifth Omnibus Objection to Claims (Docket No. 27233)

*Status: The above Omnibus Objections to Claims are set for a status hearing. A draft adjournment order will be submitted continuing these matters to November 15, 2005 for a status hearing.*

11. Kmart's Twenty-Sixth Omnibus Objection to Claims (Certain Disputed and Unsupported Claims) (Docket No. 28781); Certificate of Service (Docket No. 28782)

*Status: Kmart will submit a draft order for those claimants that did not respond to the Twenty-Sixth Objection. This matter is set for a status hearing with respect to those claimants that responded or that received an extension of time to respond, and will be continued to November 15, 2005 for a*

*status hearing. A draft order will be submitted to chambers after the Omnibus Hearing.*

12. Kmart's Motion for Judgment Disallowing Paid Workers' Compensation Claim and Supporting Memorandum of law (Docket No. 28462); Certificate of Service (Docket No. 28468)

Status: *Set for status as to Dorothy Frizzell, Donald Shockley, Judi Bishop, Myra Holland, Kathleen L. Genoff dba McMillan Claim Service, Wanda L. Robertson, Gary W. Whaley and Elissa Owens. A draft order continuing the status hearing to November 15, 2005 on all pending objections will be submitted.*

13. Motion of Kmart Corporation for Order Requiring Further Pleadings to Identify Contested Issues Re Claims of Global Property Services, Inc. (Docket No. 28955)

Status: *The parties have met and conferred regarding this motion and are working on an agreed order.*

14. Motion for Entry of Revised Confidentiality Agreement and Protective Order Regarding Claim of Floorgraphics, Inc. (Docket No. 28979)

Status: *This matter is going forward. The parties will request the entry of a revised confidentiality agreement.*

15. Kmart objection to claim of Cydcor Limited

Status: *This matter is settled and a draft order will follow.*

16. Objection to Claims of IBJ Whitehall Business Credit Corporation (Docket No. 18082)

Status: *A draft order adjourning the matter to November 15, 2005 will be submitted. Further, the order will set forth that IBJ shall file its response to Kmart's claim objections by October 17, 2005 and Kmart shall file its reply by November 8, 2005.*

## V. General Matters

17. Second Motion of Glen Gregory to Reopen Claim (Docket No. 28476)

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

18. Motion for Reconsideration of Order Disallowing Claim Numbers 29332, 29333, 29334, 29335, 29336 and 29337 (Docket No. 28314)

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

19. Motion for Reconsideration of Order Disallowing Claim Numbers 5902, 5903, 5905-5908, 5910-5912, 5914, 5916, 5918, 5919, 5922, 13450, 13455, 13543, 13545, 13547, 13550 and 13551 (Docket No. 27458)

Filings: *Kmart's Objection to Motion for Reconsideration of Order Disallowing Claim Numbers 5902, 5903, 5905-5908, 5910-5912, 5914, 5916, 5918, 5919, 5922, 13450, 13455, 13543, 13545, 13547, 13550 and 13551 (Docket No. 27682); Notice of Filing (Docket No. 27683)*

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

20. Motion for Reconsideration of Order Disallowing Claims of CP Holdings, Inc. (Docket No. 27544)

Filings: *Kmart's Objection to Motion for Reconsideration of Order Disallowing Claims of CP Holdings, Inc. (Docket No. 27680); Notice of Filing (Docket No. 27681)*

Status: *This matter is set for status. Counsel for the movant has indicated they will file a notice of withdrawal of motion.*

21. Motion for Order (I) Requiring Compliance by the Internal Revenue Service With Various Settlement Obligations and (II) Finding the Internal Revenue Service in Contempt for Failure to Do So (Docket No. 27464)

Filings: *United States' Request that Court Allow Oversized Objection to Kmart's Procedurally Improper Motion (DI# 27464) to Compel Tax Refund Allegedly Based on Settlement/United States' Objection (in the Nature of a Motion to Dismiss) to Kmart's Procedurally Improper Motion (DI# 27464) to Compel Tax Refund Allegedly Based on Settlement (Docket No. 27591); United States'*

*Amended Objection (in the Nature of a Motion to Dismiss) to Kmart's Procedurally Improper Motion (DI# 27464) to Compel Tax Refund Allegedly Based on Settlement (Docket No. 28126)*

Status: *This matter is settled and a settlement stipulation has been circulated. If this stipulation is not fully executed by the hearing date, a draft order adjourning this to November 15, 2005 will be submitted.*

22. Motion of Martha Norman to Vacate Order and Award Attorneys Fees and Costs and Award Sanctions to Norman (Docket No. 25311)

Filings: *Kmart Corporation's (i) Response to Motion by Martha Norman to Vacate Order and Award Attorney Fees and Costs and Award Sanctions to Norman and (ii) Cross Motion to Modify the Plan Injunction (Docket No. 26268); Norman's (i) Reply to Kmart Corporation's Response to Norman's Motion to Vacate Order and Award Attorney Fees and Costs and Award Sanctions to Norman and (ii) Cross Motion to Set Briefing Schedule for Kmart's Cross Motion (Docket No. 26402)*

Status: *This matter has been resolved.*

23. Kmart's Objection and Motion to Determine Claim of Expeditors International of Washington, Inc. (Claim No. 48257) Under 11 U.S.C. §§ 102(1), 105(a), 502(b), and 506 Fed.R.Bankr.P. 3007 and 3012 (Docket No. 26369)

Filings: *Expeditors International of Washington, Inc.'s Response to the Debtor's Objection and Motion to Determine Claim of Expeditors (Claim #48257) (Docket No. 26873)*

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

24. Motion of the Insurance Company of the State of Pennsylvania on Behalf of Itself and Certain Affiliates of American International Group, Inc. to Compel the Debtors' Compliance With the Terms of the First Amended Plan of Reorganization (Docket No. 23775)

Status: *A draft adjournment order will be submitted continuing this matter to November 15, 2005.*



25. Amended Motion for a Final Decree Closing Certain Cases (Docket No. 29001)

Status: *This matter is going forward.*

26. Stipulation for Substitution of Counsel for Gold Force International Ltd. (Docket No. 28752); Notice of Filing (Docket No. 28753)

Status: *This matter is going forward.*

27. Objection of Gold Force International Ltd. To Transfer of Claim (Docket No. 28637)

Filings: *Notice of Transfer of Claim Pursuant to Fed. R. Bankr. P. 3002(e) (Docket No. 28460)*

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

## **VI. Adversary Proceeding Status Hearings and Motions**

28. Douglas J. Smith v. Paula Paquette, Adv. No. 03-03941

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

29. Douglas J. Smith v. John Foster, Adv. No. 03-03943

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

30. Douglas J. Smith v. Mariana Keros, Adv. No. 03-03944

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

31. Douglas J. Smith v. Paul Springthorpe, Adv. No. 03-03946

Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*

32. Douglas J. Smith v. Michael Frank, Adv. No. 04-00023
- Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*
33. Douglas J. Smith v. John Owen, Adv. No. 04-00024
- Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*
34. Leola Celestine as Curatrix of Sylvia Green, Joseph Broussard and Lameka Broussard v. Kmart, Adv. No. 04 A 4188
- Status: *By agreement of the parties, a draft adjournment order will be submitted continuing this matter to November 15, 2005.*
35. Kmart v. Woodmont Real Estate, Adv. No. 03-01213
- Status: *A draft adjournment order will be submitted continuing this matter to November 15, 2005.*
36. Kmart v. Gator Daytona Partners and Gator Fairhaven, Adv. No. 04-03129
- Status: *A draft adjournment order will be submitted continuing this matter to November 15, 2005.*
37. Connor Children's Trust v. Kmart, Adv. No. 03-01411
- Status: *This matter is set for status. The parties will address scheduling issues.*
38. Kmart v. First Berkshire, et al., Adv. No. 05-00008
- Status: *A draft order adjourning the matter to November 15, 2005 for a continued scheduling conference will be submitted.*

## **VII. Contested Matters**

39. Motion of Kmart Corporation to File Motion in Excess of 15 Pages (Phillip Morris Capital Corporation) (Docket No. 29005)
- Status: *This matter relates to #40 below and is going forward.*

40. Reorganized Debtors' Motion to Amend Objections to Contested Proofs of Claim Filed by Phillip Morris Capital Corporation and HNB Investment Corporation (Docket No. 29004); Claimants Philip Morris Capital Corporation and HNB Investment Corp.'s Objection to Reorganized Debtors' Motion to Amend Objections to Contested Proofs of Claim Filed by Phillip Morris Capital Corporation and HNB Investment Corporation (Docket No. 29030); Notice of Filing (Docket No. 29031)

- Claimants Philip Morris Capital Corporation and HNB Investment Corp.'s Motion for Leave to File a Brief in Excess of 15 Pages and to Limit and Reduce Notice (Docket No. 29032)

Status:            *These matters are going forward.*

41. Elfriede Austin's Application for Citation of Contempt (Docket No. 28948)

Filings:            *Objection of Kmart Corporation to Elfriede Austin's Application for Citation of Contempt (Docket No. 29013); Notice of Filing (Docket No. 29014)*

Status:            *This matter appears to be resolved and a settlement agreement has been circulated. Kmart will submit an order withdrawing this motion as moot upon completion of the settlement agreement.*

42. Motion of NewMark Merrill Company to: (1) Compel Payment of Amounts Previously Ordered by the Court; (2) Hold Debtors in Contempt for Violation of Court Order; and (3) Limit Notice (Docket Nos. 28988 and 28990)

Status:            *The parties will request a separate time for prove-up of attorneys fees.*

#### **VIII. Miscellaneous Matters Requiring Telephonic Appearances – set for 11:00 a.m.**

43. Amended Motion of David P. Rots to Vacate Order Striking Claim 33780 and for Permission to Submit Claim 56664 Out of Time and Opposition to That Part of Kmart's Eighteenth Omnibus Objection Which Seeks to Strike Claim 56664 as Untimely (26423); Memorandum of Law in Support of Amended Motion of David P. Rots to Vacate Order Striking Claim 33780 and for Permission to Submit Claim 56664 Out of Time and Opposition to That Part of Kmart's Eighteenth Omnibus Objection Which Seeks to Strike Claim 56664 as Untimely (Docket No. 26424)

*Filings:* Notice of Filing and Affidavit by Trumbull Associates, L.L.C. (f/k/a Trumbull Services, L.L.C.) Regarding Service of the Notice of Hearing and Kmart's Eighth Omnibus Objection to Claims Under 11 U.S.C. §§ 102(1), 105(a), and 502(b) and Fed. R. Bankr. P.3007 (Docket No. 26612); Notice of Filing and Kmart's Objection to the Motion of David P. Rots to Vacate Order Striking Claim 33780 and For Permission to Submit Claim 56664 Out of Time and Opposition to That Part of Kmart's Eighteenth Omnibus Which Seeks to Strike Claim 56664 as Untimely (Docket Nos. 26613 and 26614); Reply Memorandum of David P. Rots in Support of Amended Motion to Vacate Order Striking Claim 33780 and for Permission to Submit Claim 56664 Out of Time (Docket No. 26731); Affidavit Evidence of Kmart Corporation for Hearing on Motion of David P. Rots (February 2, 2005) (Docket Nos. 27416, 27417 and 27418); Kmart Corporation's Supplemental Objection to Claim of David Rots (Docket No. 27581); Notice of Filing (Docket No. 27582); Reply Memorandum in Opposition to Kmart Corporation's Supplemental Objection to the Claim of David P. Rots (Docket No. 28066); Notice of Filing (Docket No. 28067); Declaration of David P. Rots (Docket No. 28073); Kmart's Motion for Partial Summary Judgment Re: Objection to Claim of David Rots (Docket No. 28938); Kmart's Memorandum in Support of Motion for Partial Summary Judgment Re: Objection to Claim of David Rots (Docket No. 28939); Notice of Filing (Docket No. 28940); Statement of Material Facts in Support of Motion for Partial Summary Judgment Re: Objection to Claim of David Rots (Docket No. 28941); Notice of Filing (Docket No. 28942); Supplemental Declaration of David P. Rots (Docket No. 29034); David P. Rots Memorandum in Opposition to Kmart's Motion for Partial Summary Judgment (Docket No. 29035); Notice of Filing (Docket No. 29036); Counter-Statement of Material Facts in Opposition to Kmart's Motion for Partial Summary Judgment (Docket No. 29037)

*Status:* This matter is set for status. Kmart has until September 29, 2005 to file a reply to Rots' opposition to Kmart's partial summary judgment motion.

**IX. Critical Vendor Adversary Proceedings – set for 2:00 p.m.**

44. Critical Vendor Adversaries

Status: *All pending critical vendor cases are set for status. See attached Kmart Corporation's Report on Remaining Critical Vendor Adversary Proceedings.*

45. Kmart Corporation's Motion and Proposal Re: Settlement Conferences in Critical Vendor Adversaries (Docket No. 28770)

Status: *At the hearing, Kmart will address scheduling individual cases for settlement conferences. This motion involves critical vendor cases less than \$250,000.*

46. Kmart v. Hoo Cheung, Ltd. and Hoo Cheung Electrical Mfg. Co. Ltd., Adv. No. 04-02764

Status: *Set for a status hearing on motion to dismiss. This will be continued to November 15, 2005 and a draft adjournment order will be submitted.*

47. Kmart v. Morning Star Publishing dba Buyers Guide, Adv. No. 04-2407 (consolidated under 04-00118)

Status: *This matter has been settled and a dismissal stipulation and order will follow.*

48. Critical Vendor defendants that stated a "Superior Toy Defense" in their motions to dismiss

Status: *Kmart believes that all such cases have settled and this matter will no longer appear on future agendas. See attached Superior Toy Exhibit for a list of these adversaries.*

**X. Matter set for Oral Argument - set for 3:00 p.m.**

49. Motion for an Order Transferring Claim No. 30619 to Lennar Partners, Inc. (Docket No. 26763)

Filings: *Lennar's Reply to Young Maine's Response to Lennar's Motion for an Order Transferring Claim No. 30619 to Lennar Partners, Inc.(Docket No. 27184);Young-Maine Properties' Reply to Lennar Partners Inc.'s Response to Young-Maine's Objection to Lennar's Motion for an Order*

*Transferring Claim No. 30619 to Lennar Partners, Inc.  
(Docket No. 27337); Joint Stipulation of Facts (Docket No.  
29022)*

Status:            *This matter is set for oral argument.*

Dated: Chicago, Illinois  
September 19, 2005

Respectfully submitted,  
KMART CORPORATION, et al.,

By: /s/ William J. Barrett  
One of its Attorneys

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## **Exhibit**

### **Kmart Corporation's Report on Remaining Critical Vendor Adversary Proceedings as of September 16, 2005**

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

KMART CORPORATION, et al.,

Debtors.

Chapter 11

Case No. 02 B 02474

(Jointly Administered

Honorable Susan Pierson Sonderby

**KMART CORPORATION'S REPORT ON REMAINING CRITICAL VENDOR  
ADVERSARY PROCEEDINGS AS OF SEPTEMBER 16, 2005**

**Non-Advertisement Domestic Vendors**

<b>Defendant</b>	<b>Case No.</b>	<b>Answer/response status</b>	<b>Counsel</b>
Adplex-Rhodes Inc	04-00087	Joined Motion to Dismiss	Anapolsky/Gutfeld
Cal Maine Foods, Inc.	04-01893		
Cream O'Weber Dairy, LLC	04-01903	Joined Motion to Dismiss	Knowles
Crystal Farms, Inc.	04-01896	Joined Motions to Dismiss	Larry Ricke
Dairy Fresh Farms, Inc.	04-01891		
Dutch Farms, Inc.	04-01908	Answered; Joined Motion to Dismiss	Michael Collins
Fikes Dairy	04-01906		Grygiel
Marigold Foods, LLC	04-01898	Motion to Dismiss Filed; Joined Motion to Dismiss	Knowles
Modern Foods, Inc.	04-01901	Joined Motion to Dismiss	Knowles
National Dairy Inc and Charles Specialties, Inc.	04-01907		
Parmalat USA Corp.	04-01897	Defendant has filed for bankruptcy; the case is stayed.	Askounis
Quad Graphics Inc	04-00086	Motion to Dismiss Filed	Nienhuis, Kranbuehl/Williams on
Quebecor Printing Richmond	04-00126	Motion to Dismiss Filed (and Joined Supplement filed by Vertis)	Bass/Funkhouser
Superior Graphics, Inc.	04-00094	Joined Motion to Dismiss (and Joined Supplement filed by Vertis)	Apostolides



## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
Abbeville Meridional	04-00085		
African American Observer	04-01980		
Afro American Newspapers Archives and Research Center,	04-01979		
Albion Evening Recorder Inc. dba Marshall Chronicle	04-01982		
Albion Evening Recorder Inc. dba Marshall Chronicle	04-01982		
Arkansas Democrat Gazette, Inc	04-01970	Motion to Dismiss Filed; Settlement Pending	Wilkins
B & W Ventures, Inc dba Pagas Mailing Services	04-01984		
Baltimore Times/Times of Baltimore, Inc.	04-01992		
Bartelsville Examiner Enterprise	04-01993	Answered	Casey/Resendiz
Beckley Newspapers Inc	04-01985		
Belo Corp. dba Denton Record Chronicle	04-02005	Motion to Dismiss Filed	Frank
Berkshire Eagle	04-02002	Motion to Dismiss Filed	Frank
Berner Bros Publishing Co., Inc dba Antigo Daily Journal	04-01999		
Bi Ads Inc	04-01998		
Black Voice News	04-01994		
Boca Raton Real Estate Holdings, Inc. dba Boca Raton News	04-01960		
Boston Herald, Inc.	04-01958		
Brown Publishing Company dba Register Herald, Circleville Herald, Wilmington News Journal	04-01991	Joined Motion to Dismiss (Defendant Wilmington Dismissed)	Brustein/Ferraro; Mascitti (Wilmington)
Buckeye Publishing Co	04-01950		
BVI Beacon	04-01952		
Capital Gazette Newspapers Inc, Capital Gazette Communications Inc	04-01967		
Capital Spotlight Moncrie Inc	04-01966		
Casa Grande Valley Newspapers	04-01962		

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
CBA Industries	04-02072	Motion to Dismiss Filed; Settlement Pending	Wilkins
Champion Newspaper	04-02068		
Champion Newspaper	04-02068		
Cleveland Life	04-02042		
Community Newspapers Inc, and Chieftain & Toccoa Record	04-02063	Dismissed as to Newby Defendants	Newby
Corning Daily Observer, Inc.	04-02026		
Country News Press	04-02025		
County Press	04-02024		
Covington Newspaper Company,	04-02051		
Crescent Communications Inc	04-02049		
Cypress Media, Inc., et al.	04-00128	Motion to Dismiss Filed; Dismissal Pending	Frank
Daily Item aka Ottaway Newspapers, Inc	04-02044		
Daily News Journal (Murfreesboro)	04-02107	Answer deadline extended pending settlement negotiations; Dismissal pending.	Mascitti
Daily News Publishing Co	04-02109	Joined Motion to Dismiss	Adams/Sabol
Data Enterprises, Inc. dba Data Newsweekly	04-02120		
Denham Springs Publishing Company, Inc. dba News Livingston Parish	04-02136		
Detroit Newspaper Agency	04-00130	Motion to Dismiss Filed (to be withdrawn); Answer deadline extended pending settlement negotiations; Dismissal Pending	Mascitti/Fairhurst/Fr ank
DFW Community Newspapers, Inc	04-02142		
Dispatch Morgan Hill Times aka El Dorado Newspapers	04-02146		
Douglas Enterprises, Inc.	04-02143		
DR Partners dba Hawaii Tribune Herald and West Hawaii Today	04-02141	Answered	Casey/Resendiz

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
Dubin Courier Herald	04-02095		
Eagle Publications, Inc	04-02129		
Eagle Tribune Publishing Company	04-02131		
Eagle-Summit Publishing Co. and Lehman Communications Corp dba Daily Times Call		Lehman dba Daily Times-Call is part of Adv. Proc. No. 04-02309	
Edinburg Daily Review	04-02100		
El Dia Inc	04-02102	Joined Motions to Dismiss (and Joined Supplement filed by Vertis)	Vigano
El Imparcial Publishing Co Inc	04-02119		
El Todo	04-02123		
Elk City News aka The Elk City Daily News Publishing Company	04-02125		
Elko Daily Free Press	04-02105		
Evening News, Inc. aka Community Newspaper Holdings of Indiana, Inc., American Publishing Company of Indiana dba Greensburg Daily News, Union Recorder, Star Beacon, Kokomo Tribune, Mankato Free Press, Ashland Publishing Co., Inc., and Sharon Herald	04-02118	Motion to Dismiss Filed; Settlement Pending	Wilkins
Forsyth County News	04-02135		
Forward Times Publishing Co. dba Houston Forward Times	04-02091		
Globe Specialty Products, Inc.	04-02168		
Great Lakes Media	04-00118	Motion to Dismiss Filed; Settlement Pending	Wilkins/Macavoy
Harris Enterprises, Inc. dba Olathe Daily News	04-02197	Motion to Dismiss Filed; Dismissal Pending	Frank
Harrison Daily Times	04-02216		
Herald Dispatch Publishing Co	04-02201		

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
Herald Tribune	04-02172		
Houston Defender Newspaper	04-02186		
Houston Informer & Texas Freeman	04-02211		
Index Journal Co	04-02163		
Indianola Publishing Company dba Delta Democrat Times	04-02191		
Island Sun Newspaper	04-02179		
J Ad Graphics, Inc dba Hastings Reminder	04-02195		
Jacksonville Free Press	04-02196		
Jaime G Arias	04-02177		
Journal Standard	04-02304		
Keynote Publishing Company, Inc. dba Florida Keys Keynoter	04-02287	Motion to Dismiss Filed; Dismissal Pending	Frank
La Perla Del Sur, Inc	04-02321		
La Semana	04-02318		
Lafourche Gazette, Inc.	04-02267		
Lakeland Newspapers aka Lakeland Publishers, Inc.	04-02268	Answered [Confirming Settlement]	Patterson Meuth
Las Vegas Review Journal	04-02323	Answered	Casey/Resendiz
Latrobe Printing and Publishing Co dba Latrobe Bulletin	04-02324		
Lawton Publishing Company Inc	04-02313		
Leader	04-02273		
Lee Enterprises et al	04-00125	Motion to Dismiss Filed; Dismissal Pending	Frank
Lee Enterprises, Inc. dba Times and News	04-02564	(Motion to Dismiss Filed under Abbeville, will be corrected); Dismissal Pending	Frank
Lee Publications, Inc dba Sentinel	04-02270	Motion to Dismiss Filed; Dismissal Pending	Frank
Lee Publications, Inc. dba Casper Star Tribune, North County Times	04-02299	Motion to Dismiss Filed; Dismissal Pending	Frank
Lee Publications, Inc. dba Times	04-02561	Motion to Dismiss Filed; Dismissal Pending	Frank

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
Lee Publications, Inc. dba Times and Democrat	04-02310	Motion to Dismiss Filed; Dismissal Pending	Frank
Lewistown Sentinel	04-01956		
Lone Star News Group	04-02296	[Confirming settlement]	
Los Angeles Sentinel, Inc.	04-02295		
Los Angeles Times International,	04-02306		
Macon Courier, Inc.	04-02294		
Main Street Newspapers, Inc	04-02292		
Manchester Newspapers, Inc.	04-02293		Haynes
McClatchy Company et al	04-00143	Motion to Dismiss Filed; Case Dismissed against all defendants except Los Banos Enterprise and Merced Sun Star.	Frank (for all defendants except Los Banos and Merced Sun Star)
Miami Times, Inc.	04-02347		
Middlesboro Daily News aka Community Newspaper Holdings	04-02385		
Minority Communicator aka The Minority Communicator Times	04-02396		
Morning News	04-02405	Answered	Casey/Resendiz
Morris Newspaper Group	04-00124	Joined Motion to Dismiss (Berkoff Defendants); Dismissed with respect to Berkoff defendants; Remains pending against Morris Newspaper Corp of California d/b/a Manteca Bulletin, Statesboro Herald, Winder News and Morris Multimedia, Inc.	Austin; Berkoff
Mountaineer Publishing Co Inc	04-02379	Answered; Joined Motion to Dismiss	William Janvier
N Digo	04-02381		
Nashville Pride	04-02382		
National Mail It Inc	04-02348		
News & Observer	04-02361		
News Herald	04-02368		
Northeast Publishing Co	04-02390	Answered	Hartmann

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
NYP Holdings, Inc. dba New York Post	04-02395	Motion to Dismiss Filed; Dismissal Pending	Wilkins
NYT Santa Barbara News Press, Inc.	04-02371		
Ogden Newspaper Group	04-00158	All except Fairbault Filed a Motion to Dismiss; Joined Motion to Dismiss	Bray (for all except Faribault)
Ottaway Newspaper Inc et al	04-00145	Plattsburgh Press filed Motion to Dismiss; Settlement Pending	Wilkins (Plattsburgh)
Paxton Media Group, Inc., PMG Acquisition LLC, Searcy Newspapers Inc, Wabash Plain Dealer Company, Inc., Peru Daily Tribune Publishing Company, Inc., Connersville News Examiner, Enquirer Journal, News Dispatch, Forest City Publishing Company, Courier Democrat, Sanford Herald Inc, Mountain Press, Griffin Daily News, Paducah Sun, Messenger Inquirer Inc., Newspapers Of West Georgia, High Point Enterprise Inc, And Daily Corinthian	04-02480	Certain defendants dismissed - remains pending against Newspapers of West Georgia and High Point Enterprise Inc.	
Philadelphia New Observer Inc	04-02451		
Philadelphia Tribune Co, Inc	04-02453		
Pine Bluff Commercial	04-02457	Answered; Amended Answer	Casey/Resendiz
Post Newspaper Group Inc.	04-02434		
Post Star	04-02463		
Precinct Reporter Newspaper	04-02430		
Press Enterprise Company	04-02479	Motion to Dismiss Filed	Frank
Prime Publishers Inc	04-02468		
Primera Hora	04-02436	Joined Motions to Dismiss (and Joined Supplement filed by Vertis)	Vigano

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
Progressive Communications	04-02439		
Promociones Coqui aka Clubhouse Developers Corp	04-02440	Answered, but denied that it is the correct defendant. Kmart is investigating.	
Providence Journal Co	04-02441	Motion to Dismiss Filed	Frank
Pulitzer Community Newspapers, Inc dba Lompac Record	04-02442		Lloyd Palans
Quality For Sale	04-02444		
Randall Family LLC dba The Frederick News Post	04-02448		
Rapid Publishing Inc	04-02450		
Reed Print Inc	04-02443		
Reed Print, Inc dba Delano Record	04-02446		
Register Pajaronian	04-02428		
Review Appeal (Franklin)	04-02475	Answer deadline extended pending settlement negotiations; Dismissal pending.	Mascitti
Rockman Communications Inc dba Tri County Times	04-02496		
Roswell Daily Record, Inc.	04-02534		
Russell County Newspapers	04-02509		
San Francisco Newspaper Agency	04-02505	Motion to Dismiss Filed	Frank
San Juan Star Co	04-02518		
Santa Maria Times, Inc.	04-02507		
Sentinel	04-02531		(Located in Atlanta, GA)
Scripps Howard Publishing	04-00123	Birmingham Post Herald is the only remaining defendant.	
Shelbyville Publishing Company, Inc. dba Shelbyville Times Gazette	04-02519		
Sidney Daily News aka Amos Press, Inc	04-02545		
Sound Publishing Inc	04-02524		
South Carolina Black Media Group	04-02541		
South Idaho Press	04-02533		

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
Southern Maryland	04-02486	Motion to Dismiss Filed	Frank
Southern Maryland Newspapers	04-02487	Motion to Dismiss Filed; Dismissal Pending	Frank
St Croix Daily aka Brodhurst Printery Inc	04-02513		
St Thomas Daily aka Daily News Publishing Co	04-02503		
Star	04-02500		
Stephens Group, Inc. dba Daily Herald	04-02495	(Answer mistakenly filed in 04- 2580 – will be corrected)	Casey/Resendiz
Sturgis Daily Journal	04-02494		
Sun Coast Media Group, Inc.Venice Gondolier	04-02489		
Sun Publishing Corporation dba Hobbs Daily News Sun	04-02506		
Sun Reporter Publishing Company, Inc.	04-02504		
Sunday Dispatch	04-02490		
Sven, Inc.	04-02527		
Target Marketing Maine Inc	04-02537		
The American Publishing Corporation dba Diario Las Americas	04-02614		
The Atascadero News	04-02613		
The Bangor Publishing Company dba Bangor Daily News	04-02611	Answered	Hartmann
The Charlotte Post Publishing Company, Inc.	04-02609		
The Covington Virginian, Inc. dba Virginian Review	04-02606		
The Dispatch Printing Company dba Columbus Dispatch	04-02618	Answered	Mike Davis
The Gonzales Weekly Inc	04-02619		
The Hillsboro Publishing Company	04-02595		
The Lake Charles American Press, L.L.C.	04-02589		
The Martinsville Bulletin, Inc	04-02852		



## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
The Messenger Publishing Company dba Athens Messenger	04-02597	Joined Motion to Dismiss	Brunstein/Ferraro
The Michigan Chronicle Publishing Company	04-02598		
The Michigan Front Page, LLC	04-02600		
The Norton Press, Inc	04-02602	Answer, Motion to change venue	Gary Gilliam
The Oklahoma Publishing Co dba Daily Oklahoman	04-02594	Answered	Rudy Hiersche
The Recorder, LLC	04-02591		
The Skanner Newspaper aka Imm Publications Inc.	04-02573		
The Standard Printing Company dba Daily Standard	04-02572		
The Weatherford News Inc dba Weatherford Daily News	04-02571		
Thomson Newspapers Inc. dba Oelwein Daily Register and Daily Globe	04-02562		
Times Community dba Kettering Oakwood Times aka The Brown Publishing Co.	04-02659	Joined Motion to Dismiss	Brunstein/Ferraro
Tribune (located in Stuart, FL)	04-02666		
Troy Daily News, Inc	04-02667	Joined Motion to Dismiss	Brunstein/Ferraro
U.S. Media Group dba Ledger Dispatch	04-02668		
Verstovia Corporation dba Daily Sitka Sentinel & Arrowhead	04-02673		
Voice Newspaper	04-02655		
Washington Baltimore Suburban Press Network	04-02631	Motion to Dismiss Filed; Dismissal Pending	Frank
Washington Informer	04-02639		
Waterloo Courier, Inc.	04-02640	Motion to Dismiss Filed; Dismissal Pending	Frank
Waxahachie Newspapers, Inc.	04-02643		

## NEWSPAPERS

Defendant	Case No.	Answer/response status	Counsel
World Publishing Company dba Tulsa World	04-02676	Answered	J. Schaad Titus
Yazoo City Herald, Inc.	04-02637		

## FOREIGN VENDORS

Defendant	Case No.	Answer/response status	Counsel
Action Performance Companies	04-00104	Motion to Dismiss Filed; Joined Motion to Dismiss	Lannan/Atencio
Alliance Power Novelty Trading	04-02786		
Apparel Trading Services	04-02783		
Atico Overseas Limited	04-02747	Motion to Dismiss Filed	Apostolides/ Goldberg
Axxonn Enterprises Limited	04-02745		
Bo Fung Industries (M) Sdn Bhd	04-02743		
Boley Int'l (Hk) Ltd	04-02793		
Cango (Hong Kong) Ltd	04-02750		
Catalina Asia Limited	04-02749	Response deadline extended	John Goodchild
Cheshire Silver II Inc	04-02742	Answered	John P. Di Iorio/ Nelson
China Best Garments Co Ltd	04-02741		
China Ningbo Cixi I/E Corp	04-02740		
Chosun Int'l (Hk) Toys Ltd	04-02739		
Climax Paper Converters Ltd	04-02794		
Compex International Co Ltd	04-02752		
Cosmos (Indian Ocean) Ltd	04-02771		
Creative Design Ltd	04-02770		
Dae Shin Limited	04-02773		
Daewoo International Corporation	04-02774		
Dan Dee International Ltd	04-02775	Joined Motion to Dismiss; Answered	Gesas
Design Co	04-02776		
Ebi Garment Co Ltd	04-02777		
General World Sdn Bhd	04-02762		
Gimmill Industrial M Sdn Bhd	04-02767		
Granco International Inc	04-02768		
Grand Basket Co Inc	04-02756		
Handerson Handicraft Mfg Co	04-02760		
Hansae Co Ltd	04-02787		
Home Products International	04-02766	Answered	Kopf
Hon Lam Trading Ltd	04-02765		
Hoo Cheung Group Ltd	04-02764	Filed Motion to Dismiss; Answered	Patrick Schurr
Hypercap Trading Company	04-02763		
Integrity Toys (HK) Limited	04-02759		

## FOREIGN VENDORS

Defendant	Case No.	Answer/response status	Counsel
International Art Enterprise Co	04-02757		
International Ying Ming Ind Co	04-02758	Joined Motion to Dismiss	Vera Lam/Eric Snyder
Jiangsu Sainty Li-Tex Imp and Exp	04-02751		
Jiunn Hwan Enterprise Co Ltd	04-02761		
Kids Fashion Co Ltd	04-02769		
Larami Limited	04-02778		
Lee Cheng Mao Enterprises Co	04-02780		
Les Man International Ltd	04-02782		
Leyuan Kuo Enterprise Co Ltd	04-02785	Joined Motions to Dismiss (and Joined Supplement filed by Vertis)	Vigano
Lien Mou Industrial Factory Co	04-02791		
Magic Power Co Ltd	04-02900	Filed Motion to Dismiss	Prezant
May Garment (Pty) Ltd	04-02897		
Ming Shin Plastic Industry Co	04-02845		
Mullally International Inc	04-02874	Joined Motion to Dismiss; Answered	DeLeo
Nameson Industrial Limited	04-02875	Answered	Themis Wu
Nan Shan International Co Ltd	04-02877	Motion to Dismiss Filed	Vigano/Janseen
Navy Blue Assets Limited	04-02880	Answer Filed	Thomas C. Grant
New Atico International Ltd Taiwan	04-02884	Motion to Dismiss Filed	Apostolides/ Goldberg
Nien Hsing Int'l (Bermuda) Ltd	04-02883		
Nien Hsing Textile Co Ltd	04-02881		
Ningbo Sincere Designers and	04-02876		
Pingyang Pet Product Company	04-02882		
Pt Inatai Golden Furniture Ind	04-02885		
Pt Sainath Industrial Corp Limited	04-02886		
Romar Products Inc	04-02887		
Sam Shin Creation Co Ltd	04-02888		
San Sky Industrial Limited	04-02889		
Shyh Hwa Industrial Co Ltd	04-02892		

## FOREIGN VENDORS

<b>Defendant</b>	<b>Case No.</b>	<b>Answer/response status</b>	<b>Counsel</b>
Silstar Corp of America Inc	04-02891		
Skm Enterprises Inc	04-02873	Filed Motion to Dismiss	Prezant
Stuffins Toys And Novelties Limited	04-02857		
Sun Flower's Co	04-02893		
Superplast Italia S P A	04-02894		
Supreme Toys (Hong Kong)	04-02895		
Taiwan Ai Di Manufacturing Co	04-02858		
Thai Classic Product Ltd Part	04-02861		
The Asian Source Enterprise LLC	04-02865	Joined Motions to Dismiss	Moody
The Willbes And Co Ltd	04-02867		
Tung Yung Stationery Mfy Ltd	04-02869		
Turning Stone (Hk) Limited	04-02870		
Unionsign Ltd	04-02846		
Victory Land Enterprise Co Ltd	04-02856	Filed Motion to Dismiss	Prezant
Wicker Bonanza Ltd	04-02871		
Wonchang Honduras Industries	04-02844		
Yau Feng Chain Co Ltd	04-02851		
Yee Woo Hing Hat Mfy Co Ltd	04-02850	Yee Woo answered directly via letter w/o counsel; Joined Motion to Dismiss by Atico Overseas	Vigano
Ying Ming Industrial Co Ltd	04-02849	Joined Motion to Dismiss	Eric Snyder

**Exhibit**

**Superior Toy Defense Defendants**

**Exhibit to Number 48 (Superior Toy Defense Defendants)**

The defendants that raised a Superior Toy Defense in the Motions to Dismiss are defendants in the following adversary proceedings:

<b>Defendant</b>	<b>Case No.</b>	<b>Counsel</b>	<b>Status</b>
Arkansas Democrat Gazette, Inc et al.	04-01970 (Consolidated)	Wilkins	Pending
Evening News, Inc. aka Community Newspaper Holdings of Indiana, Inc., American Publishing Company of Indiana dba Greensburg Daily News, Union Recorder, Star Beacon, Kokomo Tribune, Mankato Free Press, Ashland Publishing Co., Inc., and Sharon Herald, et al.	04-02118 (Consolidated)	Wilkins	Pending
Great Lakes Media, et al.	04-00118 (Consolidated)	Wilkins/Macavoy	Pending
Ottaway Newspaper Inc et al <sup>1</sup>	04-00145	Wilkins (Plattsburgh)	Pending

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<sup>1</sup> Only defendant Plattsburgh Press filed a Motion to Dismiss alleging a Superior Toy Defense.